

General Requirements Bulletin
for admission to the
Examination for Registration
to practice in Patent Cases
before the
United States Patent and Trademark Office

EXAM DATE: October 17, 2001



FILING DEADLINE: July 6, 2001

<http://www.uspto.gov/web/offices/dcom/olia/oed/index.html>

Significant Dates

Application Deadline:
July 6, 2001

Exam Date:
October 17, 2001

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Contacting OED

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Finding OED information on the Internet:

- Open the US PTO Home Page
<http://www.uspto.gov/>
- Find and select:
"Organizations" shown on the
right side of the page.
- Find and select: **Office of
Enrollment and Discipline.**
(under the Deputy Assistant
Secretary)

Mailing Address

Commissioner of the United States
Patent and Trademark Office
Box OED
Washington, DC 20231

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GENERAL REQUIREMENTS BULLETIN

RECOGNITION OF ATTORNEYS AND AGENTS

The regulations governing the recognition of individuals to practice before the United States Patent and Trademark Office (USPTO or Office) in patent cases are set forth in 37 CFR §§ 10.5, 10.6 and 10.7. Please note that recognition under the regulations reproduced below is limited to representing individuals in patent cases only. Only attorneys or individuals who were not attorneys and were recognized to practice before the Office in trademark cases prior to January 1, 1957, may represent persons in trademark cases. 37 CFR § 10.14.

§ 10.5 Register of attorneys and agents in patent cases.

A register of attorneys and agents is kept in the Office on which are entered the names of all individuals recognized as entitled to represent applicants before the Office in the preparation and prosecution of applications for patent. Registration in the Office under provisions of this part shall only entitle the individuals registered to practice before the Office in patent cases.

§ 10.6 Registration of attorneys and agents.

(a) *Attorneys.* Any citizen of the United States who is an attorney and who fulfills the requirements of this part may be registered as a patent attorney to practice before the Office. When appropriate, any alien who is an attorney, who lawfully resides in the United States, and who fulfills the requirements of this part may be registered as a patent attorney to practice before the Office, *provided:* Registration is not inconsistent with the terms upon which the alien was admitted to, and resides in, the United States and *further provided:* The alien may remain registered only (1) if the alien continues to lawfully reside in the United States and registration does not become inconsistent with the terms upon which the alien continues to lawfully reside in the United States, or (2) if the alien ceases to reside in the United States, the alien is qualified to be registered under paragraph (c) of this section. See also § 10.9(b).

(b) *Agents.* Any citizen of the United States who is not an attorney and who fulfills the requirements of this part may be registered as a patent agent to practice before the Office. When appropriate, any alien who is not an attorney, who lawfully resides in the United States, and who fulfills the requirements of this part may be registered as a patent agent to practice before the Office, *provided:* Registration is not inconsistent with the terms upon which the alien was admitted to, and resides in, the United States, and *further provided:* The alien may remain registered only (1) if the alien continues to lawfully reside in the United States and registration does not become inconsistent with the terms upon which the alien continues to lawfully reside in the United States or (2) if the alien ceases to reside in the United States, the alien is qualified to be registered under paragraph (c) of this section. See also § 10.9(b).

Note: All individuals registered prior to November 15, 1938, were registered as attorneys, whether they were attorneys or not, and such registrations have not been changed.

(c) *Foreigners.* Any foreigner not a resident of the United States who shall file proof to the satisfaction of the Director that he or she is registered and in good standing before the patent office of the country in which he or she resides and practices and who is possessed of the qualifications stated in § 10.7, may be registered as a patent agent to practice before the Office for the limited purpose of presenting and prosecuting patent applications of applicants located in such country, *provided:* the patent office of such country allows substantially reciprocal privileges to those admitted to practice before the United States Patent and Trademark Office. Registration as a patent agent under this paragraph shall continue only during the period that the conditions specified in this paragraph obtain.

§ 10.7 Requirements for registration.

- (a) No individual will be registered to practice before the Office unless he or she shall:
- (1) Apply to the Commissioner¹ in writing on a form supplied by the Director and furnish all requested information and material and
 - (2) Establish to the satisfaction of the Director that he or she is:
 - (i) Of good moral character and repute;
 - (ii) Possessed of the legal, scientific, and technical qualifications necessary to enable him or her to render applicants for patents valuable service; and
 - (iii) Is otherwise competent to advise and assist applicants for patents in the presentation and prosecution of their applications before the Office.
- (b) In order that the Director may determine whether an individual seeking to have his or her name placed upon the register has the qualifications specified in paragraph (a) of this section, satisfactory proof of good moral character and repute and of sufficient basic training in scientific and technical matters must be submitted to the Director. Except as provided in this paragraph, each applicant for registration must take and pass an examination which is held from time to time. Each application for admission to take the examination for registration must be accompanied by the fee set forth in 37 CFR § 1.21(a)(1) of this subchapter. The taking of an examination may be waived in the case of any individual who has actively served for at least four years in the patent examining corps of the Office. The examination will not be administered as a mere academic exercise.

REQUEST FOR WAIVER OF THE EXAMINATION FOR FORMER UNITED STATES PATENT AND TRADEMARK OFFICE EMPLOYEES

Former employees of the Office may request a waiver of the examination for registration pursuant to 37 CFR § 10.7(b). Waiver of the examination is discretionary. Former employees requesting waiver must meet the scientific and technical training requirements for admission to the registration examination.

Also, former employees applying for waiver must have served four or more years in the patent examining corps before terminating employment with the USPTO, as an examiner, supervisory patent examiner, or group director. (Note: Service in any other position and/or role in the USPTO does not qualify as the patent examining corps). Request the waiver by submitting the following documents:

- Application for Registration [Form PTO-158],
- Oath [Form PTO-1209]
- Undertaking Under 37 CFR § 10.10(b) [Form PTO-275] (if not previously completed)
- Registration fee of \$100.00 as required by 37 CFR § 1.21(a)(2). Please make payment by check or money order payable to the Commissioner of the United States Patent and Trademark Office.
- Official Transcripts. Former employees may provide a copy of an official transcript on file in the United States Patent and Trademark Office's Office of Human Resources. A USPTO OHR staff member must note that the original is in the former employee's personnel file.

Current employees of the USPTO may not be registered due to conflict of interest regulations.

To request waiver of the examination, place an "X" in the appropriate box of the Application for Registration. All relevant documentation must be submitted with the application. Please refer to the Instructions for Applying for Admission to take the Examination for additional information.

¹ On March 29, 2000, the title Commissioner of Patents and Trademarks was changed to Director of the United States Patent and Trademark Office pursuant to P.L. 106-113. In this bulletin, "Commissioner" is inclusive of the Director of the United States Patent and Trademark Office.

REQUIREMENTS FOR ADMISSION TO THE EXAMINATION

Individuals applying for the examination must demonstrate that they possess the scientific and technical training necessary to provide valuable service to patent applicants. *Applicants bear the burden of showing the requisite scientific and technical training.* To be admitted to the examination, each individual must demonstrate possession of the required scientific and technical training.

CATEGORY A.

Bachelor's Degree in a Recognized Technical Subject: An applicant will be considered to have the necessary scientific and technical training if he or she provides an official transcript showing that a Bachelor's degree was awarded in one of the following subjects by an accredited United States college or university, or that the equivalent to a Bachelor's degree was awarded by a foreign university in one of the following subjects:

Biology	Pharmacology	Electrochemical Engineering
Biochemistry	Physics	Engineering Physics
Botany	Textile Technology	Geological Engineering
Computer Science *	Aeronautical Engineering	Industrial Engineering
Electronics Technology	Agricultural Engineering	Mechanical Engineering
Food Technology	Biomedical Engineering	Metallurgical Engineering
General Chemistry	Ceramic Engineering	Mining Engineering
Marine Technology	Chemical Engineering	Nuclear Engineering
Microbiology	Civil Engineering	Petroleum Engineering
Molecular Biology	Computer Engineering	
Organic Chemistry	Electrical Engineering	

*Acceptable Computer Science degrees must be accredited by the Computer Science Accreditation Commission (CSAC) of the Computing Sciences Accreditation Board (CSAB) on or before the date the degree was awarded. Computer science degrees that are accredited may be found on the Internet at: <http://www.csab.org>.

An applicant with a Bachelor's degree in one of the above-identified subjects must submit an original official transcript from the college or university. *A diploma, copy of the diploma, or copy of the transcript will not be accepted.* The official original transcript will be accepted from applicants. Their college or university transcript must be official/original and include the university stamp or seal.

Other Bachelor Degrees: Degrees in subjects, such as Biological Sciences, Pharmacy, and Mechanical Technology, not listed above must qualify under Category B or Category C below.

Graduate Degrees: *Applicants who have a Master's or higher level degree in one of the subject areas listed above, but do not have a Bachelor's degree in such subject, must qualify under Category B or Category C below.*

CATEGORY B.

Bachelor's Degree in Another Subject: An applicant with a Bachelor's degree in a subject other than one of those listed in Category A, must establish that he or she possesses scientific and technical training equivalent to that received at an accredited U.S. college or university for a Bachelor's degree in one of the subjects listed in Category A. To establish such equivalence, an applicant can satisfy one of the four options, other training, or other education listed below. The applicant must submit the necessary documentation and objective evidence showing satisfaction of one of the options or other means of qualifying.

Option 1: 24 semester hours in physics. Only physics courses for physics majors will be accepted.

Option 2: 32 semester hours in a combination consisting of the following:

- 8 semester hours of chemistry or 8 semester hours of physics, and
- 24 semester hours in biology, botany, microbiology, or molecular biology.

The 8 semester hours in chemistry or 8 semester hours of physics must be obtained in two sequential semesters, each semester including a lab. Only courses for science or engineering majors will be accepted.

Option 3: 30 semester hours in chemistry. Only chemistry courses for chemistry majors will be accepted.

Option 4: 40 semester hours in a combination consisting of the following:

- 8 semester hours of chemistry or 8 semester hours of physics, and
- 32 semester hours of chemistry, physics, biology, botany, microbiology, molecular biology or engineering.

The 8 semester hours of chemistry or 8 semester hours of physics must be obtained in two sequential semesters, each semester including a lab. Only courses for science or engineering majors will be accepted.

Filing Early: Individuals seeking to qualify in category B and provide documentation establishing scientific and technical training are strongly encouraged to file documents at least two months prior to the deadline date for filing. This early filing may provide adequate time to present supplemental documentation, which the Office of Enrollment and Discipline (OED) may require.

Transcripts: Official original transcripts are required to establish both the award of a Bachelor's degree and completion of each course relied on to establish scientific and technical training in Category B.

The transcript must be official and original. However, the transcript may be sent by the applicant.

An applicant instructing a college or university to send transcripts directly to the OED at the USPTO should note that information in a letter accompanying the application. The college or university must be instructed to file the transcript on or before the deadline date of July 6, 2001, through U.S. Postal Service *first class mail* to the Commissioner of the United States Patent and Trademark Office, Box OED, Washington, D.C. 20231. Applicants are urged to furnish the university or college with a copy of the certificate of mailing (enclosed in this bulletin) and instruct the institution to include a completed and signed certificate of mailing in the envelope with the transcript.

Course Descriptions: For each course relied upon in Options 1, 2, 3, or 4 above, applicants must furnish an official course description which is concurrent with the year in which the course was taken to accompany the official original transcript. The course descriptions must include:

- copies of the catalog cover page showing the year, the page(s) describing the requirements for the major and
- complete pages describing the courses to be considered.

Grades: *Only courses with a grade of C- or better will be accepted.* Please highlight the courses to be considered on the transcripts and course descriptions submitted.

Quarter hour conversion: To convert quarter hours into semester hours, multiply quarter hours by 2/3.

Translations: Certified English translations of foreign language documents, such as transcripts, course descriptions and any other supporting documentation must be furnished.

Other Acceptable Course Work: Under Option 4, up to four semester hours will be accepted for courses in design engineering or drafting. Also, under Option 4, computer science courses that stress theoretical foundations, analysis, and design, and include substantial laboratory work, including software development will be accepted. Such courses include the representation and transformation of information structures, the theoretical models for such representations and transformations, courses that provide basic coverage of

algorithms, data structures, software design with a laboratory, programming languages with a laboratory, and computer organization and architecture. Other acceptable courses in computer science include artificial intelligence and robotics, networking, linear circuits, logic circuits, operating systems, and software methodology and engineering.

Typical Non-Acceptable Course Work: The following typify courses which are not accepted as demonstrating the necessary scientific and technical training: anthropology; astronomy; audited courses; behavioral science courses such as psychology and sociology; continuing legal education courses, courses in public health; courses relating technology to politics or policy; courses offered by corporations to corporate employees; courses in management, business administration and operations research; courses on how to use computer software; courses directed to data management and management information systems; courses in the history of science, courses to develop manual, processing or fabrication skills (e.g. machine operation, wiring, soldering, etc.); courses taken on a pass/fail basis; correspondence courses; ecology; economics of technology; courses in the history of science, engineering and technology; field identification of plants and/or animals; home or personal independent study courses; high school level courses; mathematics courses; one day conferences; patent law courses; paleontology; political science courses, repair and maintenance courses; radio operator license courses; science courses for non-science majors; vocational training courses; and work study programs. Also not accepted are college research or seminar courses where the course content and requirements are not set forth in the course descriptions; and courses which do not provide scientific and technical training in patentable subject matter. Further, not accepted are courses that repeat, or which are substantially the same as, or are lesser-included courses for which credit has already been given.

Other Training: Other factors will also be considered on a case-by-case basis with respect to scientific and technical training. The OED will consider expertise in scientific and technical training which is equivalent to that of a Bachelor's degree listed in Category A. An applicant without a degree listed in Category A has the burden of establishing possession of sufficient training and expertise in science or engineering to be equivalent to that of a Bachelor's degree in a subject listed in Category A. Objective evidence demonstrating that training is equivalent to training received in courses accepted under Category B will help establish such equivalency.

Other Education: Other education (e.g., foreign education, academic credit for work experience, military education, life experience, etc.) is acceptable to the extent objective evidence demonstrates the education is equivalent to that received at an accredited US college or university in one of the subjects listed in Category A. For example, such education may be met by one of the following showings:

- 1) The specific courses have been accepted for college-level credit in a Category A subject by an accredited U.S. college or university because they would be creditable if the student were to further his or her education at that institution.
- 2) The academic credit earned in a Category A subject earned through a special credit program, such as the College Level Examination Program (CLEP), and credit has been awarded by an accredited college or university.
- 3) If credit has been given for life experience, the college or university must identify the course work area(s) or courses in a Category A subject for which the credit is given. Life experience credit for courses that are not identified in its course catalog as part of a college or university's curriculum is not acceptable, unless the college or university is giving credit for course work in a Category A subject that is a prerequisite for more advanced courses in Category A included in its curriculum.
- 4) Credit in a Category A subject for home study course work has been granted by a postsecondary institution accredited by the National Home Study Council.
- 5) An accredited U.S. State university reports the degree from another institution as one whose transcript is given full value, and full value is given in a Category A subject applicable to the curricula at the State university.
- 6) The education completed outside the U.S. has been submitted to a private organization that specializes in interpretation of foreign educational credentials and such education has been deemed at least equivalent to that gained in conventional U.S. education programs. The Council on Postsecondary Accreditation may be of some help in providing information on these organizations.

- 7) Credits from the United States Department of Agriculture (USDA) Graduate School, or other institutions determined to be equivalent for this purpose, are accepted by an accredited institution on the same basis as study in accredited colleges and universities.

Military Service: Although the OED will not evaluate and award credit for military service, credit may be granted for technical courses taken pursuant to military training. The applicant has the burden of showing the semester hours credit each course relied upon would be accorded toward a degree at an accredited U.S. University or college. Applicants should consult the *Guide to Evaluation of Educational Experience in the Armed Services*, which is available through the American Counsel on Education, Military Evaluation Program, 1 Dupont Circle, Washington, DC 20036.

CATEGORY C.

Practical Engineering or Scientific Experience: An individual relying on practical engineering or scientific experience or who does not qualify under Category A or B above may establish the required technical training by taking and passing the Fundamentals of Engineering (FE) test. The FE test is a test of engineering fundamentals. The FE test is developed and administered by a State Board of Engineering Examiners in each State or comparable jurisdiction. Neither the USPTO nor any other U.S. Government agency administers the test. Individuals who desire to take the FE test should direct inquiries to the Secretaries of the appropriate State Boards.

EVALUATION OF APPLICATIONS

All business with the USPTO should be transacted in writing. Personal attendance is unnecessary. The action of OED will be based exclusively on the written record in the Office. 37 CFR § 1.2

THE EXAMINATION

The examination for registration is administered in two sessions, one during the morning and one during the afternoon. Applicants receive a single score for the exam. To pass the examination, an applicant must take both sessions and receive a passing score of 70% on the entire examination.

PLEASE NOTE: The registration examination will receive one score only and will test all applicable material throughout the examination.

Six hours are permitted for completion of the examination, three hours in the morning session and three hours in the afternoon session. The examination is designed to test an applicant's knowledge of patent law and United States Patent and Trademark Office rules, practice, and procedure; understanding of claim drafting and ability to properly draft claims; and the ability to properly analyze factual situations and properly apply the patent laws and USPTO rules, practice, and procedure, such as would be required to render valuable service to patent applicants in the preparation and prosecution of their patent applications. 35 U.S.C. § 31. The examination may also include questions dealing with standards of ethical and professional conduct applicable to registered patent attorneys and agents.

Before taking this examination, an applicant should be familiar with the patent statutes; the USPTO rules of practice (Parts 1 and 10 of Title 37 of the Code of Federal Regulations), procedure and policy set forth in the Manual of Patent Examining Procedure (M P E P); and the consolidated listing of notices in the Official Gazette.

Electronic Devices: Computers, laptop computers, typewriters, or any other electronic device are not allowed in the testing area during the administration of the exam.

Review Documents: The M P E P, the consolidated listing of notices in the Official Gazette, and Title 37 of the Code of Federal Regulations (CFR) may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or by calling (202) 512-1800. The USPTO will not

provide any of these materials to applicants. The OED will not counsel applicants on the patent statutes and USPTO rules, policy, practice, and procedure.

Review Courses: The USPTO cannot identify or recommend courses to be pursued in preparing for the examination, or offer advice as to the special training required of persons who wish to be qualified to practice before the USPTO as a patent attorney or agent.

Copies of Previous Exams: Copies of the last three examinations and model answers are available and may be obtained from the USPTO at a cost of \$15.00 for *each* examination. Send a request specifying the examinations desired and a check or money order made payable to the Commissioner of the United States Patent and Trademark Office at the address which appears on the Index of this General Requirements Bulletin. Past examinations may also be available for no fee at the USPTO home page at www.uspto.gov.

Finding OED information on the Internet:

- Open the US PTO Home Page <http://www.uspto.gov/>
- Find and select: "Info by Organization" shown on the right side of the page.
- Find and select "OED" (under the Deputy Under Secretary of Commerce for Intellectual Property).

Information is now available at the OED home page about the exam, required forms, and other information related to registration examinations.

INSTRUCTIONS FOR APPLYING FOR ADMISSION TO TAKE THE EXAMINATION

The examination will be administered on Wednesday, October 17, 2001. An individual seeking admission to the examination for the first time should send the following documents to the Commissioner of the USPTO.

- Application for Registration [Form PTO-158]
- \$40.00 non-refundable application fee
- \$310.00 examination fee as required by 37 CFR § 1.21(a)(1).
- Official original Transcripts
- Course descriptions (Category B only)
- All other required documentation (information upon which applicant relies to demonstrate qualifications to sit for the examination),
- Certificate of Good Standing (Attorneys)
- Payment for fees in the form of a check, money order, or credit card authorization.

In completing the Application for Registration, the documents required in response questions to 4-14 must be submitted with the application.

All items on the Application form including information requested for correspondence/business name, address and telephone number must be completed.

Correspondence/Business Name and Address: An applicant whether employed, unemployed or a student, must enter the correspondence/business name, address and telephone number where applicant can be contacted as if registered. Applicants are responsible for informing OED in writing of all changes of address or telephone number.

Method of Payment: All payments of money required for the USPTO fees must be made in U.S. dollars and in the form of a cashier's or certified check, Treasury note, or United States Postal Service money order. Checks and money orders must be made payable to the Commissioner of the United States Patent and Trademark Office.

Payment of a fee by credit card must specify the amount to be charged to the credit card and such other information as is necessary to process the charge, and is subject to collection of the fee. If the credit card information is provided on a form or document other than a form provided by the Office for the payment of fees by credit card, the Office will not be liable if the credit card number becomes public knowledge.

37 CFR § 1.23 (a) and (b). A form and instructions for using a credit card are contained in this bulletin. In the form, under "Other Fee," write "Application and Examination fees."

The Office currently accepts charges to AMERICAN EXPRESS®, DISCOVER®, MASTER CARD®, and VISA®.

There is a \$50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution. 37 CFR § 1.21(m).

Nonpayment of Fees: If payment of fees required by 37 CFR § 1.21(a)(i) and (ii), is refused by a financial institution (including a check returned unpaid, declination to accept a credit card) or if a credit card is charged back, the individual submitting the fee will be refused admission to the examination. If the individual has been admitted to the examination, notice will be sent withdrawing admission. The individual can then be admitted to the examination only if the fees, together with any processing fee required by 37 CFR § 1.21(m), are paid in full on or before [application deadline]. OED cannot assure individuals that they will be informed before the application deadline that their check was returned unpaid, or that a financial institution declined their credit card.

OED may learn only after the examination that payment of fees has been refused by a financial institution or that a payment by credit card has been charged back. In these situations, or other situations in which the individual has taken the examination, OED will not release the examination results to the individual until fees required by § 1.21(a)(i) and (ii), and the processing fee required by § 1.21(m) are paid in full.

Some individuals owe funds required by § 1.21(a)(i) and (ii) in regard to a prior application or examination, as well as the fee required by § 1.21(m). An individual will not be admitted to any future examination unless all fees due have been paid in full. For example, assume that an individual filed an application with a check for \$350.00, the check was returned unpaid, and the individual did not take the examination. The next application that is filed must include not only the application and examination fees required for that examination, but also an additional \$90.00. The additional funds constitute the \$40.00 fee required by § 1.21(a)(i) for the previous application, and the \$50.00 processing fee required by § 1.21(m) for the returned check. The individual will not be admitted to the examination unless all the fees are paid in full. If, in the preceding example, the facts are changed to indicate that the individual took the examination, the individual must pay \$400.00 in additional fees, i.e., the \$40.00 and \$310.00 fees required by § 1.21(a)(i) and (ii), and the \$50.00 processing fee required by § 1.21(m). All payments should be by cashier or certified check, or money order.

Government Employees: Officers and/or employees of the United States Government must (in the space for correspondence/business name, address and telephone number) enter the name, mailing address, and business telephone number of the agency where they are employed.

Transcripts: Please note that for item 14, a diploma, copy of a diploma, or a copy of a transcript is not acceptable evidence of a degree. Each applicant must provide an original official transcript from a college or university as evidence of the degree received. An official transcript issued to an applicant will be accepted provided the transcript includes an original university or college stamp or seal. A letter from the registrar specifying a degree or degrees is not acceptable.

Change of Exam Location: An individual who receives notification for admission to the exam and needs to change the chosen exam location must make a written request to the Director of OED. Submit a written request to the Commissioner of the USPTO, Box OED, Washington, D.C 20231. OED will attempt to accommodate these requests, but does not guarantee these requests will be granted.

Exam Location: Complete the portion of the application that indicates the desired exam location. Applicants must select one examination site from the following list:

Albuquerque, NM	Denver, CO	New Orleans, LA	San Francisco, CA
Anchorage, AK	Detroit, MI	New York, NY	San Jose, CA
Atlanta, GA	Ft. Snelling, MN	Oklahoma City, OK	San Juan, PR
Baltimore, MD	Hartford, CT	Orlando, FL	Seattle, WA
Bangor, ME	Honolulu, HI	Philadelphia, PA	St. Louis, MO
Boston, MA	Houston, TX	Phoenix, AZ	Syracuse, NY
Chicago, IL	Indianapolis, IN	Pittsburgh, PA	Washington, DC
Concord, NH	Kansas City, MO	Raleigh, NC	
Dallas, TX	Los Angeles, CA	Salt Lake City, UT	
Dayton, OH	Memphis, TN	San Antonio, TX	

Registration as Patent Attorney: An individual who desires to be registered as an attorney, after passing the exam, must submit a certificate of good standing, less than six months old, from the bar of the highest court of the State in which he or she is admitted to practice. The certificate of good standing should be filed with the Data Sheet (FORM PTO 107A), following receipt of notice of passing the registration examination. The certificate is not required for admission to the exam. Any qualifying individual for whom no certificate of good standing is received will be registered as a patent agent.

INSTRUCTIONS FOR REAPPLYING TO TAKE THE EXAMINATION

An applicant for a prior registration examination, whether admitted or denied admission to a previous examination, must reapply to take the current examination. The applicant must submit a complete application for the current examination, all required fees, and answer all questions on the application form.

An applicant is not required to file documentation previously submitted with an application unless that documentation is necessary to update the application filed less than three years ago, or requested by OED. (This documentation includes transcripts and course descriptions previously sent and considered, and documents required by questions 4-14 of the application. See 37 CFR § 10.22 of the USPTO Code of Professional Responsibility). An applicant must submit all documentation if he or she last filed an application three or more years ago. Each individual reapplying for the exam must submit the following:

- Application for Registration [Form PTO-158]
- \$40.00 non-refundable application fee
- \$310.00 examination fee as required by 37 CFR § 1.21(a)(1).
- Checks or money orders must be made payable to the Commissioner of the USPTO.

The following documents may be necessary, depending on the specific situation:

- Official original Transcripts (Not previously filed)
- Course descriptions (Category B only) (Not sent before)
- Certificate of Good Standing (Attorneys)
- All other required documentation that updates the application file (information upon which applicants are relying to demonstrate qualifications to sit for the examination).

Applications must be received in the USPTO on or before July 6, 2001, and must be complete.

ALIENS

Individuals who are not United States citizens and do not reside in the U.S. are not eligible for registration except as permitted by 37 CFR § 10.6(c). See Page 1. Presently, the Canadian Patent office is the only Patent Office recognized as allowing substantially reciprocal privileges to those admitted to practice before the USPTO. The registration examination is not administered to aliens who do not reside in the United States.

Aliens residing in the United States may apply to take the registration examination. To be admitted to the examination, an applicant must establish by clear and convincing evidence that recognition is consistent with the capacity of employment authorized by the U.S. Immigration and Naturalization Service ("INS"). The evidence must include a copy of both sides of any work authorization and copies of all documents submitted to and received from the INS regarding admission to the United States and a copy of any documentation submitted to the U.S. Department of Labor. Qualifying nonimmigrant aliens within the scope of 8 CFR § 274a.12(b) or (c) are not registered upon passing the examination. Such aliens will be given limited recognition under 37 CFR § 10.9(b) if recognition is consistent with the capacity of employment authorized by the INS. Documentation establishing applicant's qualification to receive limited recognition must be submitted with applicant's application by the filing deadline. Qualifying documentation shows that the INS has authorized the applicant to be employed in the capacity of representing patent applicants before the USPTO by preparing and prosecuting their patent applications. Any INS approval pending at that time will result in applicant's application being denied for the October 2001 examination.

REASONABLE ACCOMMODATIONS

Any individual with a disability for which accommodations are necessary in order to take the examination must submit a **separate letter** with the application requesting reasonable accommodations. The letter must describe the disability and the reasonable accommodations requested. Additional documentation, less than one year old, certifying the current severity of the disability and certifying that the accommodations requested are necessary for this disability must be sent by a licensed physician who has evaluated the condition. This documentation must be submitted for each examination for which reasonable accommodation is requested.

In order to insure that arrangements can be made in sufficient time before the examination date, the request for accommodation and all required documentation must be submitted with the application on or before the filing deadline.

Applicants requesting reasonable accommodations should check the box to the right of their name in the Application for Registration (PTO Form 158), indicating that the request is included with the application.

FILING DEADLINE

The deadline for filing **all** application documents, **all** appropriate fees, **all** necessary supporting documents and **all** requests for special accommodations is July 6, 2001. This means that the USPTO must receive the complete application, including official transcripts from colleges or universities on or before the deadline date. Alternatively applicants and college or university personnel may enclose a certificate of mailing under 37 CFR § 1.8 with the application documents and mail the documents **on or before** the deadline date. To be admitted to the examination, an applicant's application forms must be complete, the proper application and **all** fees must have been remitted as required by 37 CFR §§ 1.21 (a)(1) and 1.21 (a)(2), and a satisfactory showing of the applicant's qualifications, including official transcripts and course descriptions (if needed), must be filed in the USPTO on or before July 6, 2001.

Facsimiles of applications will not be accepted. See 37 CFR §§ 1.4(e) and 1.6(d)(1).

Certificate of Mailing: A certificate of mailing under 37 CFR § 1.8, when attached to the application, may be acceptable proof that the application was timely filed if the date stated is on or before the deadline date. The certificate of mailing may not be mailed separately. An example of a certificate of mailing is contained in this bulletin. The certificate requires a signature.

Certificate of Mailing Procedure under 37 CFR § 1.8

Your application will be considered as being timely using the certificate of mailing procedure if the following steps (a) through (d) are performed.

- (a) The application and accompanying materials are deposited with the U.S. Postal Service with sufficient postage as first class mail on or before July 6, 2001.

- (b) The application and accompanying materials are in an envelope addressed to: Commissioner of the United States patent and Trademark office, Box OED, Washington, DC 20231.
- (c) The application and accompanying materials include a completed certificate of mailing form, conforming with 37 CFR § 1.8, stating the date and deposited with the U. S. Postal Service. An example of the accepted certificate of mailing is contained in this bulletin.
- (d) The certificate of mailing form must be signed, and the person signing the certificate has reasonable basis to expect that the application and accompanying materials would be mailed on or before the date on the certificate.

There is no provision in 37 CFR §§ 1.8 or 1.10 covering the use of certified mail of the U.S. Postal Service for filing papers with the USPTO. Therefore, applicants may not send applications and other documents to the Office by certified mail and expect to receive a filing date as of the mail date since the rules do not provide for this. A certificate of mailing under 37 CFR § 1.8 should not be confused with a US. Postal Service certificate of mailing or U.S. Postal Services certified mailing. Instead, when correspondence is mailed by certified mail of the U.S. Postal Service without complying with 37 CFR §§ 1.8 or 1.10, its filing date is the date it is received in the Office.

Express Mail: 37 CFR § 1.10 provides that express mail may be used to file papers with the USPTO. The date of deposit, shown by the “date-in” on the Express Mail mailing label, is the effective date. Therefore, for the October 2001 exam, applicants using Express Mail must have a “date-in” recorded by a U.S. Postal Service employee on the Express Mail mailing label that is on or before the filing deadline of July 6, 2001. Only applicants using Express Mail may use the physical address of OED: Commissioner of the USPTO, 2221 South Clark Street, Room 1103, Arlington, Virginia 22202. Use of this address for other than Express Mail may delay receipt of the papers by the USPTO and OED.

Early filing: An individual not qualifying under Category A is strongly encouraged to file his or her application at least two months prior to the filing deadline to afford additional time to present all information required to demonstrate scientific and technical qualifications to take the registration examination. However, the OED cannot guarantee that an applicant will receive notice of deficiencies in the application or accompanying documentation prior to the filing deadline. Deficiencies resulting in an incomplete filing will cause the application to be denied. There will be no opportunity to file supplemental documents after July 6, 2001, to obtain admission to the October 2001 registration examination.

WAIVERS OF REGULATIONS REGARDING THE EXAMINATION

A petition may be filed under 37 CFR § 10.170 requesting in writing that a requirement of the regulations, which is not a requirement of the statutes, be suspended or waived by the Commissioner in an extraordinary situation, when justice requires.

REFUNDS AND WITHDRAWING

Refunds: THE \$40 APPLICATION FEE AND THE \$310 EXAMINATION FEE ARE NON-REFUNDABLE, with one exception. If the applicant does not qualify for admission to the examination, the \$40 application fee will be retained but the \$310 examination fee will be returned. Refund of any fee is governed by the provisions of 35 U.S.C. § 42 (d). Fees are paid with respect to admission to a specific examination. Thus, fees are not refundable by deferring or applying them to a future examination.

Withdrawing: Applicants deciding not to take the exam should notify OED that they are withdrawing. However, before withdrawing, applicants should realize that their application and examination fees are not refundable.

An applicant who withdraws from one examination will have to timely file an application, all fees, and other documents for admission to another examination. A separate application must be filed for each examination for which admission is sought. 37 CFR § 10.7(a)(1).

In the absence of the application and fees, it cannot be determined if the applicant is applying for admission to a particular examination. Therefore, neither an application for a prior examination nor a request to apply fees from one examination to another constitute an application to a future examination

MAILING INSTRUCTIONS

Mail application papers and any other correspondence by U.S. Postal Service first class mail to Commissioner of Patents and Trademarks, Box OED, Washington, D.C. 20231

A certificate of mailing pursuant to 37 CFR § 1.8 should be used when mailing applications on or before the July 6, 2001 deadline. Acceptable certificates of mailing are **only** those that comply with 37 CFR § 1.8. To be considered timely, the application, fees, other documents, and the certificate of mailing must be in the same envelope. Also considered timely are the applicant's fees and other documents mailed by the deadline in accordance with 37 CFR § 1.10 in an envelope addressed to the Commissioner of the United States Patent and Trademark Office, 2221 South Clark Street, Room 1103, Arlington, Virginia 22202.

LATE APPLICATIONS

Applications received by the USPTO after the filing deadline of July 6, 2001, without complying with 37 CFR § 1.8 or 37 CFR § 1.10, will be considered late and treated accordingly.

Checks or funds submitted with an application after the deadline will be processed for the \$40.00 application fee. The \$310.00 examination fee will be refunded in due course. Inasmuch as the application is late, the examination fee received with the application is paid by mistake.

All applications for admission to the examination filed after the deadline will be considered only in connection with admission to the next registration examination, and subject to the reapplication requirements.

NOTIFICATION

All applicants are notified by written correspondence indicating approval or disapproval of the application. Individuals who receive a disapproval notice may file supplemental information and documents on or prior to July 6, 2001. Supplemental information and documents will not be accepted for processing after the filing deadline of July 6, 2001.

NOTICE OF RECEIPT BY OED

Any individual desiring acknowledgment of OED receipt of an application, should include with the application a self-addressed, postage-paid postcard to be used for this purpose. The post card should be addressed to the applicant and identify each type of paper filed, e.g. application, oath, transcripts, etc. OED will stamp the receipt date on the card and place it in the outgoing mail. However, the card is not verification that all of those items identified were present with the application. Please do not call the OED regarding the status of applications unless applicant has not received a response four weeks after submitting an application.

TRANSPORTATION AND MEALS

Applicants are responsible for their own transportation to and from the examination site and for their own hotel accommodations. Applicants are also responsible for their own eating arrangements.

FINAL NOTIFICATION

Approximately two weeks before the examination is held, each applicant will be notified by the Office of Personnel Management of the address to which the candidate is to report to take the examination.

Please keep this information for future reference. Applicants may find it necessary to refer to it later.

ADDRESS CHANGES

Please notify the OED in writing of any changes of address, telephone number, or other information provided on the application for registration to take the October 2001 registration examination, before or after the examination. Send changes of address to: Commissioner of the United States Patent and Trademark Office, Box OED, Washington, D.C 20231, or by facsimile to 703-306-4134.

Information recorded on examination sheets does not constitute a notice of a change of address. The answer sheets are not a permanent record in an applicant's file. To assure that results are sent to the correct address, applicants should send such changes in writing to OED.

NAME CHANGES

Individuals who change their legal name must provide the appropriate court document or marriage certificate. This is critical information. If an applicant receives a college/university transcript under one name and later changes his or her legal name, the information enables separately-filed documents to be matched in the application file and confirms that all the papers relate to one individual.

DISAPPROVAL NOTICE

Individuals who receive a disapproval notice and desire a further review or consideration of their application should submit a written request for reconsideration to the Director of Enrollment and Discipline; and mail the request to Commissioner of the United States Patent and Trademark Office, Box OED, Washington, DC 20231.

A final decision by the Director of Enrollment and Discipline refusing admission to the registration examination may be appealed to the Commissioner of the United States Patent and Trademark Office pursuant to 37 CFR § 10.2(c). Review by the Commissioner requires payment of the fee set forth in 37 CFR § 1.21 (a)(5).

Keep this bulletin for future reference. You may find it necessary to refer to it after you have filed your application. Also, please keep the OED advised in writing of all changes of address, telephone number, or other information provided in your application.

CHECKLISTS

Category A Checklist for Application to take the exam

- ☐ • Completed application for the exam, original, signed, dated (FORM PTO 158)
- ☐ • Original Official Transcripts
- ☐ • Fees (\$310 + \$40)
- ☐ • Certificate of Good Standing (Attorneys) [Not required for admission to the exam]

Category B Checklist for Application to take the exam

- ☐ • Completed application for the exam, original, signed, dated (FORM PTO 158)
- ☐ • Original Official Transcripts
- ☐ • Fees (\$310 + \$40)
- ☐ • Official course descriptions which are concurrent with the matriculation in the course, catalog cover page showing the year, the pages(s) describing the requirements for your major, and complete pages describing the courses to be considered. *Only courses in which you received a grade of C- or better will be accepted.*

Reapplying to Take the Exam Checklist

- ☐ • Completed application for the exam, original, signed, dated (FORM PTO 158)
- ☐ • Fees (\$310 + \$40)
- ☐ • Additional official original transcripts and coinciding course descriptions
- ☐ • Other documents for consideration by OED

Former Patent Examiner Waiver of Exam Checklist

- ☐ • Completed application for the exam, original, signed, dated (FORM PTO 158)
- ☐ • Completed Oath or Affirmation (FORM PTO-1209) (Notarized)
- ☐ • Certificate of Good Standing (Attorneys)
- ☐ • Fees (\$100)
- ☐ • Waiver of Undertaking (FORM PTO-275)

Frequently asked questions

Application Status: What is the status of my application?	OED cannot routinely provide the status of your application because of the volume of applications.
Application Receipt: Did OED receive my application?	Individuals who wish to receive an acknowledgment of the receipt of an application, should include with the application a self-addressed, postage-paid postcard to be used for this purpose. The post card should be addressed to applicant and identify each type of paper filed, e.g. application, oath, transcripts, etc. OED will stamp the receipt date on the card and place it in the outgoing mail.
Certificates for Registered Attorneys & Agents: How long does it take to receive my certificate after passing the exam?	Approximately 5 months. Processing the certificate is a multi-step process.
Certificate of Mailing: What is a Certificate of Mailing under 37 CFR 1.8?	Please see page 8 for an explanation. An example of a Certificate of Mailing is contained in this Bulletin.
Change of Address for the Exam: I received a notice of admission to the exam and have moved. I need to change my address. What should I do?	You must notify OED in writing by mail. Also let us know in the letter if you need to change the exam location.
Deadline: May I apply after the filing deadline?	No, unless you demonstrate an extraordinary situation. If you apply, all fees and required documents must be submitted. At the same time you must submit a written petition to the Director of OED demonstrating that an extraordinary situation occurred, and justice requires a waiver of the deadline, demonstrating why the application could not be timely filed. Petitions are reviewed on a case-by-case basis.
Deadline: Is the deadline a real deadline?	YES. Applications received after the established deadline are not processed, and the check(s) is (are) returned to the applicant.
Disapproval Notice: May I speak with someone about the disapproval notice I received?	OED staff cannot evaluate applications on the phone. If you receive a disapproval notice, and desire further consideration of your scientific and technical qualifications, submit a written request to the Director of OED.
Exam Date: If I missed the deadline for this exam, when will the next exam be given?	Exams are generally twice each calendar year. Generally one will be administered in April and one in October.
Exam Deferring: May I defer my application to a future exam? Specifically, if I apply for the October 2001 exam, withdraw and want to take the April 2002 or the October 2002 exam, must I submit a new application?	Applicants may not defer the application. Applicants must submit an application for each exam for which they seek admission. The instructions for re-applying are in the bulletin. Note that refunds of examination fees are not available for applicants qualifying to be admitted to the examination.
Exam Style: Is the exam multiple choice?	YES. All questions on the exam are multiple choice.
Exam Materials May I bring a laptop computer into the exam	NO. Applicants taking the exam may not bring any electronic device into the exam. This includes computers, laptop computers and typewriters. Applicants taking the exam may bring written materials, (MPEP) but not copies of previous exams.

Frequently asked questions

Exam Test Site: Where is the exact location of the test site I have selected?	OED cannot provide this information because the actual physical locations are handled by OPM. Approximately 2 or 3 weeks prior to the exam, applicants will receive a notice providing the address of the exam location.
Fees: May I submit the \$40 non-refundable application fee and wait to find out if I am qualified to take the exam, and then send in the \$310 exam fee?	NO. Applicants must submit both fees with their application. Applications will not be processed unless all fees are received with the application.
Fees: May I submit one check for the fees or must I submit 2 checks?	Yes. You may submit one check. However, it is not wrong to submit two.
Petition Status: What is the status of the petition I filed?	OED can confirm that your petition document was received, but can not discuss its merits, however, the petition is being considered. If the decision was mailed to you prior to your phone call, a copy may be faxed to you.
Previous Applications: If I previously applied, do I need to send in everything again?	NO. See the instructions for reapplying.
Refunds If I am not able to take the examination or decide to not take the examination because of scheduling or work related issues, may I obtain a refund?	NO. See the section regarding refunds.
Refunds: I received a notice stating that I was not approved to take the examination, will I get a refund?	YES. Applicants who are not approved to take the examination will receive a refund of the examination fee in due course, but not the application fee.
Registration: After I pass the exam, how long does it take to become completely registered?	Approximately five months. After applicants take the exam, there is a multi-phase process necessary to complete the registration process.
Similar Degree: If my degree is similar to the degrees listed in Category A, may I assume my application will be processed as a Category A application?	NO. If your degree is not listed EXACTLY as shown in the Category A list, you must qualify under one of the Category B options and submit the required documentation or under Category C.
Transcript: May I send in an official original transcript with my application or is it required to come directly from the university?	YES. Applicants may send their transcripts in with their application. The transcripts MUST be official and original. Copies are not accepted for processing. Transcripts coming directly from universities must be received by the filing deadline OR must have a certificate of mailing under 37 CFR 1.8 in the envelope.
Withdrawing: I received a "Notice of Admission to the Examination" and desire to withdraw from taking the examination, may I obtain a refund?	NO. See the sections regarding refunds and withdrawing.

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner of the United States Patent and Trademark Office
Box OED
Washington, D.C. 20231

on

Date: _____

Signature

Typed or printed name of person signing Certificate

Please identify the correspondence below:

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

This certificate must be in the envelope with the material and/or documents mailed.

Organization: OED Bldg/Room: Crystal Plaza 6, Room 1103

United States Patent and Trademark Office AN EQUAL OPPORTUNITY EMPLOYER

Box OED

Washington, DC 20231

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October 17, 2001

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Application Deadline:
July 6, 2001

Exam Date:
October 17, 2001

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Contacting OED

Phone: 703-306-4097

Fax: 703-306-4134

Finding OED information on the Internet:

- Open the US PTO Home Page
<http://www.uspto.gov/>
- Find and select:
"Organizations" shown on the
right side of the page.
- Find and select: **Office of Enrollment and Discipline.**
(Under the Deputy Assistant Secretary)

Mailing Address

Commissioner of the United States
Patent and Trademark Office
Box OED
Washington, DC 20231